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Defendant(s).

## ORDER

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Findings and Recommendation of Magistrate Judge Foley should be accepted and adopted.

1 IT IS THEREFORE ORDERED that Magistrate Judge's Findings and Recommenda-  
2 tion (#50) is ACCEPTED and ADOPTED, Defendants' Motion for Sanctions is denied with  
3 respect to the request for dismissal. The remainder of the Order will stand.

4 Dated: November 19, 2008.

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7 **ROGER L. HUNT**  
8 Chief U.S. District Judge  
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